

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4919

BY DELEGATE MILLER

[Introduced February 11, 2020; Referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §38-3-4 of the Code of West Virginia, 1931, as amended, relating
2 to abstracts of judgments; requiring certain identifying information of the judgment debtor.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. JUDGMENT LIENS.

§38-3-4. Abstracts of judgments; damages or penalty for failure of clerk or justice to deliver.

1 The clerk of every court of this state shall, without delay, make out and deliver a duly
2 certified abstract of every judgment rendered by such court, and every justice of the peace shall,
3 without delay, make out and deliver a duly certified abstract of every judgment rendered by him
4 or her or by any other justice, the docket of which judgment is in his or her possession and under
5 his or her control, to any person interested therein who may demand the same, and pay or tender
6 the fee therefor, in which abstract shall be stated: (a) The names in full of the plaintiff or plaintiffs,
7 ~~and~~ (b) the names in full of the defendant or defendants, as they appear in the papers and
8 proceedings in the cause, and if the defendants are sued as partners, the individual names of
9 such defendants, and also the partnership name shall be stated; (c) to the extent possible, the
10 present address, the last four digits of the individual defendant's Social Security number and the
11 date of birth, which information shall be made available for the purpose of properly identifying the
12 judgment debtor; (b) (d) the amount of the judgment and the amount of the costs, stating each
13 separately; (e) (e) the value of the specific property (if any) recovered by it, and the damages, if
14 any, for its detention; (d) ~~or~~ (f) the date of the judgment and the court in which, or the justice by
15 whom, the judgment was rendered. Any clerk or justice who shall fail to deliver such abstract as
16 herein required shall, together with the sureties in his or her official bond, be liable to the person
17 injured by such failure for the amount of his or her injury, or such injured person may, at his or her
18 option, recover \$50 from such clerk or justice.

NOTE: The purpose of this bill is to require certain identifying information on a judgment debtor to be included on an abstract of judgment.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.